



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

PO Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300

September 8, 2009

CERTIFIED MAIL
7009 1410 0002 4420 2109

TES Properties c/o LORIG Associates
ATTN: John Finke
2025 First Avenue, Suite 420
Seattle, WA 98121

RE: Coastal Zone Management Consistency Determination for the Center for Urban Waters New Floating Dock, Thea Foss Waterway, Pierce County, Washington.

Dear Mr. Finke:

On March 10, 2009, TES Properties, submitted a Certification of Consistency with the Washington State Coastal Zone Management Program (CZMP). Pursuant to Section 307(c)(3) of the Coastal Zone Management Act of 1972 as amended, the Department of Ecology (Ecology) concurs with the TES Properties' determination that the proposed work is consistent with Washington's CZMP.

You also have the right to appeal this decision to the Pollution Control Hearings Board. To appeal this you must:

- File your appeal with the Pollution Control Hearings Board within 30 days of the "date of receipt" of this document. Filing means actual receipt by the Board during regular office hours.
- Serve your appeal on the Department of Ecology within 30 days of the "date of receipt" of this document. Service may be accomplished by any of the procedures identified in WAC 371-08-305(10). "Date of receipt" is defined at RCW 43.21B.001(2).

Be sure to do the following:

- Include a copy of this document that you are appealing with your Notice of Appeal.
- Serve and file your appeal in paper form; electronic copies are not accepted.

1. To file your appeal with the Pollution Control Hearings Board

Mail appeal to:

The Pollution Control Hearings Board
PO Box 40903
Olympia, WA 98504-0903

OR

Deliver your appeal in person to:

The Pollution Control Hearings Board
4224 – 6th Ave SE Rowe Six, Bldg 2
Lacey, WA 98503



2. To serve your appeal on the Department of Ecology

Mail appeal to:

The Department of Ecology
Appeals Coordinator
P.O. Box 47608
Olympia, WA 98504-7608

Deliver your appeal in person to:

OR The Department of Ecology
Appeals Coordinator
300 Desmond Dr SE
Lacey, WA 98503

3. And send a copy of your appeal to:

Lori Ochoa
Department of Ecology
Southwest Regional Office
P.O. Box 47775
Olympia, WA 98504-7775

For additional information visit the Environmental Hearings Office Website: <http://www.eho.wa.gov>

To find laws and agency rules visit the Washington State Legislature Website:
<http://www1.leg.wa.gov/CodeReviser>

Your appeal alone will not stay the effectiveness of this Order. Stay requests must be submitted in accordance with RCW 43.21B.320. These procedures are consistent with Ch. 43.21B RCW.

If you have any questions regarding Ecology's consistency determination please contact Lori Ochoa at (360) 407-6926.

Sincerely,



Perry J Lund, Unit Manager
Southwest Regional Office
Shorelands and Environmental Assistance Program

PJL:LO: dn

cc: Jim Green, Corps of Engineers
Dan Seng, Perkins + Will
Bill Rehe, WDFW
Lisa Spadoni, Pierce County

e-cc: ecyrefedpermits@ecy.wa.gov
Loree' Randall, Ecology/HQ
Alex Callender, Ecology/SWRO/SEA
Deb Cornett, Ecology/SWRO/WQ
Lori Ochoa, Ecology SWRO/SEA